



# PUBLIC NOTICE

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**DA 19-624**  
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## **NOTICE OF FEDERAL COURT PROTECTIVE ORDER RELATING TO NRUF AND LNP DATA**

**CC Docket No. 99-200**  
**CC Docket No. 95-116**  
**WT Docket No. 18-197**

On August 7, 2018, subject to a protective order, the Commission placed into the record in WT Docket No. 18-197 (Applications of T-Mobile US, Inc., and Sprint Corporation For Consent To Transfer Control of Licenses and Authorizations) various Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers and disaggregated, carrier-specific local number portability (LNP) data related to wireless telecommunications carriers.<sup>1</sup> Pursuant to the associated protective order, outside persons participating or intending to participate in WT Docket No. 18-197 who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the protective order may review and use the NRUF and LNP data “solely for the preparation and conduct of [WT Docket No. 18-197] before the Commission.”<sup>2</sup>

On September 4, 2018, the Commission issued a public notice informing wireless carriers that, in connection with their investigation of the proposed merger between T-Mobile US, Inc. (T-Mobile), and Sprint Corporation, the attorneys general of the States of New York and California sought this disaggregated NRUF and LNP data.<sup>3</sup> In subsequent public notices, the Commission informed carriers that other state attorneys general had joined the investigation and sought access to the same confidential data.<sup>4</sup>

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<sup>1</sup> See *Applications of T-Mobile US, Inc., and Sprint Corporation for Consent To Transfer Control of Licenses and Authorizations; Numbering Resource Utilization and Forecast Reports and Local Number Portability Reports To Be Placed Into the Record, Subject to Protective Order*, WT Docket No. 18-197, CC Docket No. 99-200, Public Notice, 33 FCC Rcd 7376 (2018).

<sup>2</sup> *Applications of T-Mobile US, Inc., and Sprint Corporation for Consent To Transfer Control of Licenses and Authorizations*, WT Docket No. 18-197, NRUF/LNP Protective Order, 33 FCC Rcd 7369 (2018).

<sup>3</sup> *Notice of Request by Offices of State Attorneys General To Review Submissions in WT Docket No. 18-197 That Contain NRUF and LNP Data*, CC Docket No 99-200, CC Docket No. 95-116, WT Docket No. 18-197, Public Notice, 33 FCC Rcd 8567 (2018).

<sup>4</sup> *Notice of Requests by Additional Offices of State Attorneys General To Review Submissions in WT Docket No. 18-197 That Contain NRUF and LNP Data*, CC Docket No 99-200, CC Docket No. 95-116, WT Docket No. 18-197, Public Notice, 33 FCC Rcd 10142 (2018); *Notice of Requests by Additional Offices of State Attorneys General To Review Submissions in WT Docket No. 18-197 That Contain NRUF and LNP Data*, CC Docket No 99-200, CC Docket No. 95-116, WT Docket No. 18-197, Public Notice, 34 FCC Rcd 1036 (2019); *Notice of Request by the State of Nevada Office of the Attorney General To Review Submissions in WT Docket No. 18-197 That Contain NRUF and LNP Data*, CC Docket No 99-200, CC Docket No. 95-116, WT Docket No. 18-197, Public Notice, DA 19-323 (WTB Apr. 24, 2019); *Notice of Requests by Additional Offices of State Attorneys General To Review* (continued....)

On June 11, 2019, the States of New York, California, Colorado, Connecticut, Maryland, Michigan, Mississippi, and Wisconsin; the Commonwealth of Virginia; and the District of Columbia filed a complaint in federal district court alleging that the merger of T-Mobile and Sprint Corporation would violate the antitrust laws of the United States and seeking a permanent injunction against the merger.<sup>5</sup> Four other states (the States of Hawaii, Minnesota, and Nevada, and the Commonwealth of Massachusetts) have since joined the action as plaintiffs.<sup>6</sup> The States' complaint includes information derived from the confidential NRUF data. On June 28, 2019, the District Court adopted a protective order proposed by the parties protecting confidential information that may be produced or filed in the case and limiting disclosure to outside counsel and experts.<sup>7</sup> The court's protective order specifically states that any filings, documents, testimony, or confidential information from which disaggregated NRUF or LNP data can be readily ascertained shall be clearly labeled as containing NRUF or LNP data and shall be treated by the parties to the litigation consistent with the Commission's rules and orders.<sup>8</sup> Additionally, the filings, documents, testimony, and confidential information shall not be provided to members of Defendants' in-house counsel who do not otherwise have access to the disaggregated NRUF or LNP data unless the data has been redacted.<sup>9</sup> The order also provides that a non-party whose confidential information is subject to the protective order has ten days from receipt of the order to seek additional relief if it believes the protective order does not adequately protect its confidential information.<sup>10</sup>

The Commission is providing this notice to inform carriers of the pending civil action and the District Court's protective order in order to allow carriers the opportunity to contact the District Court if they have concerns regarding the protection of NRUF or LNP information. Comments or objections should not be filed with the Commission.

For further information, please contact Joel A. Rabinovitz, Office of General Counsel, [joel.rabinovitz@fcc.gov](mailto:joel.rabinovitz@fcc.gov), (202) 418-0689.

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*Submissions in WT Docket No. 18-197 That Contain NRUF and LNP Data*, CC Docket No 99-200, CC Docket No. 95-116, WT Docket No. 18-197, Public Notice, DA 19-580 (WTB June 20, 2019).

<sup>5</sup> Complaint, *State of New York, et al. v. Deutsche Telekom AG, et al.*, No. 19-cv-5434 (VM) (S.D.N.Y. filed June 11, 2019).

<sup>6</sup> Amended Complaint, *State of New York, et al. v. Deutsche Telekom AG, et al.*, No. 19-cv-5434 (VM) (S.D.N.Y. filed June 25, 2019).

<sup>7</sup> Stipulated Interim Protective Order, *State of New York, et al. v. Deutsche Telekom AG, et al.*, No. 19-cv-5434 (VM) (S.D.N.Y. June 28, 2019).

<sup>8</sup> *Id.* at 13-14.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> *Id.* at 4.